

### REMARKS

Claim 1 has been amended to specify that “at least one layer has a composition that is different from at least one other layer.” This amendment is supported by the specification on page 12, lines 7-31. Claim 38 has been amended to specify that the “layer has a composition that is different from said composition of said core particle.” This amendment is supported by the specification page 7, lines 20-24. No new matter has been added.

Claims 1, 2, 6, 7, 38, 41, 42, 46, and 47 stand rejected under 35 USC 102 as being anticipated by Lipert. This rejection is respectfully traversed.

Lipert describes a method for reprocessing dry pellets. According to Lipert, dry fertilizer pellets made out of sludge must be a certain size. During the manufacturing process many pellets are made too small. Accordingly, Lipert discloses a method of coating dry fertilizer pellets that are too small with wet sludge to increase the size of the pellet. The composition of the coated pellets and the uncoated pellets are the same because the pellets are coated with the same sludge originally used to make the pellets.

As stated above, claim 1 has been amended to specify that at least one layer of the granule has a composition that is different from at least one other layer of the granule. Further, claim 38 has been amended to specify that a layer has a composition that is different from the composition of the core particle. Since Lipert only discloses changing the size of a granule by coating the granule with the wet sludge composition used to make the granule, each layer of the granule would have the same composition of each other and the core.

Since Lipert fails to disclose or suggest producing a granule that has layers with different compositions from each other or from the core, claims 1 and 38 should be allowed. Claims 2, 6, 7, 41, 42, 46, and 47, which depend from claims 1 and 38, should be allowed for at least the same reason.

Claims 1, 2, 4-6, 13-17, 21, 22, 27-32, 38, 41, 42, 44-46, 50-55, 58-60, and 65-69 stand rejected under 35 USC 102(e) as being anticipated by Varshovi (US 2002/0053229). This rejection is respectfully traversed. As previously described, claim 1 claims a granule that includes a plurality of layers “wherein at least one layer has a composition that is different from at least one other layer.” Claim 38 claims a method of manufacturing a biosolid-containing granule that includes a core particle and a layer, “wherein said layer has a composition that is different from the composition of said core particle.”

Varshovi discloses a process for producing a homogenous fertilizer. Varshovi does not disclose a fertilizer that has multiple layers with different compositions, as claimed in claim 1, or a fertilizer that has a layer with a composition that is different from the composition of the core, as claimed in claim 38. In the last office action, the Examiner stated that paragraphs 23-25 of Varshovi disclose how compositions can be applied to a base substrate by mixing or coating a granular substrate to form layers. Paragraph 23 of Varshovi states that: “The mixing means may rapidly rotate **to mix and incorporate the liquid concentrate into the organic base materials.**”

Paragraph 24 of Varshovi states: “Dry nutrient formulations may be applied to wet organic materials prior to the drying and granulations process. **The dry formulation(s) react with the wet organic base materials and are mixed through the process of granulation.**”

Accordingly, the dry formulations do not form a separate layer since they are incorporated into the base through reaction and mixing.

Finally, paragraph 25 states that “**liquid nutrients are incorporated into organic base materials** by spray application on pelletized or granulation organic base materials.”

Consequently, as Varshovi states, the liquid nutrients do not form layers, but rather are “incorporated” into the organic base materials.

Since Varshovi does not disclose or suggest a fertilizer with a plurality of layers with different compositions, or a fertilizer that has a layer with a composition that is different from the core as claimed in claims 1 and 38 respectively, claim 1 and 38 are not anticipated by or obvious in view of Varshovi. Claims 2, 4-6, 13-17, 21, 22, 27-32, 41, 42, 44-46, 50-55, 58-60, and 65-69, which depend from claims 1 and 38, are not anticipated by or obvious in view of Varshovi for at least the same reasons.

Claims 1-22, 27-60 and 65-69 stand rejected under 35 USC 103(a) as being unpatentable over the combined teachings of Lipert, Varshovi, Waldman, Diping, Cunningham and Burger. This rejection is respectfully traversed.

Claim 1 claims a granule that includes a plurality of layers “wherein at least one layer has a composition that is different from at least one other layer, and wherein said granulate contains biosolid material.” Claim 38 claims a method of manufacturing a biosolid-containing granule that includes a core particle and a layer, “wherein said layer has a composition that is different from the composition of said core particle.”

The Examiner relies upon Lipert and Varshovi to disclose biosolid granular fertilizer compositions. However, as explained above, neither Lipert nor Varshovi disclose a granule that has a plurality of layers “wherein at least one layer has a composition that is different from at least one other layer,” as claimed in claim 1. Further, neither Lipert nor Varshovi disclose a granule that has a layer which has “a composition that is different from the composition of said core particle,” as claimed in claim 38.

Applying coatings of different compositions to a typical biosolid granule is difficult because the surface of a typically biosolid granule is uneven. However, the granule described by applicants is much more even than a typical biosolid granule and, accordingly, coatings containing different compositions can be applied to the granule.

The Examiner relies upon Waldman, Diping, Cunningham and Burger, to disclose various coatings that can be applied to fertilizer granules. However, Waldman, Diping, Cunningham and Burger fail to disclose coatings that are applied to biosolid fertilizer granules. Since these coatings can not typically be applied to a biosolid fertilizer granule, it would not be obvious to apply the coatings described in Waldman, Diping, Cunningham and Burger to known biosolid fertilizer granules.

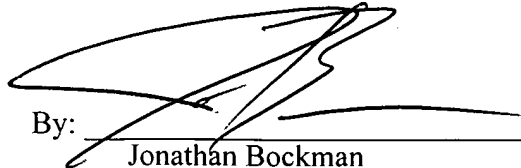
Since the combined teachings of Lipert, Varshovi, Waldman, Diping, Cunningham and Burger fail to disclose a granule with the properties recited in claims 1 and 38, claims 1 and 38 should be allowed. Claims 2-22, 27-37, 39-60 and 65-69 , which depend from claims 1 and 38, should be allowed for at least the same reasons.

For the foregoing reasons, a notice of allowance is solicited.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952. 544312000200.

Respectfully submitted

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